

BARRY J. PORTMAN
Federal Public Defender
JOYCE LEAVITT
Assistant Federal Public Defender
555 12th Street, Suite 650
Oakland, CA 94607-3627
(510) 637-3500

Counsel for Defendant CONTRERAS-TOLENTO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 07-0724 DLJ
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER CONTINUING CHANGE OF
)	PLEA DATE AND EXCLUSION OF
)	TIME
ARMANDO CONTRERAS-)	
TOLENTO,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between the parties to this action, that the status date or change of plea date in this case, currently scheduled for Friday, April 4, 2008, before Honorable D. Lowell Jensen, may be continued to Friday, April 18, 2008, at 9:00 a.m. for change of plea. Defense counsel had planned to meet with Mr. Contreras-Tolento to review documents early this week but was unable to do so because Mr. Contreras-Tolento had an emergency appendectomy over the weekend and was still in the hospital. He is now out of the hospital but has been moved from Glen Dyer jail in Oakland, California to Santa Rita jail in Dublin, California. Defense counsel needs

1 additional time to meet with Mr. Contreras-Tolento, with the assistance of an interpreter. Should the
2 Court continue the court date to April 18, 2008, it should provide enough time to resolve the case.
3 The parties stipulate that the time from April 4, 2008, to April 18, 2008, should be excluded in
4 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for
5 continuity of counsel and adequate preparation of counsel.
6

7 DATED: April 2, 2008

JOYCE LEAVITT /S/
Assistant Federal Public Defender

9 DATED: April 2, 2008

DANIEL KALEBA /S/
Assistant United States Attorney

12
13 SIGNATURE ATTESTATION

14 I hereby attest that I have on file all holograph signatures for any signatures indicated by
15 a “conformed” signature (/S/) within this e-filed document.
16
17
18
19
20
21
22
23
24
25
26

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea date in this case, currently scheduled for Friday, April 4, 2008, before Honorable D. Lowell Jensen, may be continued to Friday, April 18, 2008, at 9:00 a.m. for change of plea.

IT IS FURTHER ORDERED that the time from April 4, 2008, to April 18, 2008, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED:

HONORABLE D. LOWELL JENSEN
United States District Judge